ABRIDGED SUMMARY OF CATEGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

OFFICER-INVOLVED SHOOTING – 102-05

Division	Date	Duty-On (X) Off()	Uniform-Yes(X) No()
Rampart	11/17/2005		

Officer(s) Involved in Use of Force	Length of Service
Officer B	7 years, 2 months

Reason for Police Contact

Officers responded to a request for police assistance at an apartment complex. When attempting to contact the person reporting, the officers encountered Subject 1. Subject 1 moved toward Officer B while holding a knife. Officer B then fired several rounds at Subject 1.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject 1: Male, 30 years of age.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department ("Department") or the deliberations by the Board of Police Commissioners ("BOPC"). In evaluating this matter the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses and addenda items); the Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on 04/17/07.

Incident Summary

Subject 1 contacted Communications Division (CD) and requested police assistance at his upstairs apartment unit because someone was attempting to shoot him. Subject 1 provided a description of the person who was trying to shoot him as a 30-year-old male who resided in a downstairs apartment unit.

CD broadcast a radio call of a possible Assault with a Deadly Weapon (ADW) at the location. Officers A and B acknowledged and responded to the call.

While en-route, Officers A and B advised CD that they were experiencing problems with their Mobile Data Terminal (MDT) and requested additional information regarding the call. CD provided additional information. Meanwhile, Sergeants A and B and Officers C and D responded and broadcast that they were at the location.

Officers A and B arrived at the call location. Because there was some confusion as to the actual location of the incident, Officer B asked CD to contact Subject 1 and ask him to step out and meet them. CD acknowledged the request.

The two sergeants and four officers formulated a plan, whereby Officers C and D would cover the downstairs apartment believed to be the ADW suspect's and Officers A and B would make contact with Subject 1 at his upstairs apartment. The officers approached the front of the apartment complex, which was secured by locked gate.

Meanwhile, Subject 1 again called CD and told them someone was trying to kill him and that the suspect was downstairs. CD advised the units on scene that Subject 1 was afraid to come out and meet the officers, and again confirmed the location of Subject 1 and the potential suspect. CD also noted that Subject 1might be mentally ill.

CD contacted Subject 1 and advised him that the officers were at his front door. CD then advised the units on scene that Subject 1 was going to open the door for them. The officers acknowledged the broadcast and advised CD they were still at the gate attempting to get inside the apartment complex.

Sergeant A used his pocketknife to open the gate. Sergeant B then placed a paper bag in the door slot housing to keep the gate from locking and to allow access into the complex should other units need to respond.

As the sergeants and officers entered into the complex, they observed both apartments' front doors faced an open area. The upstairs unit was at the top of a flight of stairs leading to a small landing. The downstairs unit shared a common concrete porch with another apartment.

Officer B ascended the stairway and stood on the landing. Due to the limited space on the landing, this positioned him directly in front of the apartment. Officer A followed Officer B partially up the stairway and stopped several feet below the landing. From this position, Officer A was able to see Officer B and the door of the apartment.

Officer B then knocked on the door of the apartment and identified himself as police officer. After he knocked a second time, Subject 1 opened the door and stood in the doorway, holding a knife in an upward position. Officer B commanded Subject 1 to drop the knife and drew his service pistol.

Subject 1 exited the doorway and raised the knife while turning toward Officer B. At the same time, Officer A drew his service pistol and commanded that Subject 1 drop the

knife. Subject 1 then moved forward towards Officer B. Officer B moved backward and fired two rounds, striking Subject 1.

Subject 1 continued moving towards Officer B and bumped against Officer B. Officer B pushed Subject 1 away, but Subject 1, still wielding the knife, turned back toward Officer B's direction. Officer B fired another round, again striking Subject 1. Subject 1 then fell to the ground.

Meanwhile, Officer C, upon hearing Officers A and B's commands, and the sound of gunfire, looked toward the landing and saw that Officer B was between Subject 1 and the wall. Officer C saw Officer A had drawn his pistol and, fearing Officer B was in a crossfire situation, instructed Officer A to not shoot. Officer B then exited the landing backwards, with Officer A's assistance.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

A. Tactics

The BOPC found Sergeant A and Officer C and D's tactics to warrant divisional training.

The BOPC found Sergeant B and Officers A, B, E, F, G and H's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Sergeants A and B and Officers A, B, C, D, E, F, G and H's drawing to be in policy.

C. Use of Force

The BOPC found Officer B's use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that once inside the complex, the officers executed their tactical plan and moved to their positions. Officers A and B focused their attention on the upstairs apartment unit. Officer B stood on the landing while Officer A stood on the steps where he could see his partner and the apartment.

Officers C and D moved to a position where they could observe any activity in the downstairs apartment. Sergeant A provided supervisory oversight of the incident. Sergeant B took a security position by covering a nearby carport and additional stairwells.

Once officers were in position, Officer B knocked on the door and identified himself as a police officer. Subject 1 opened the door and Officer B immediately observed that Subject 1 was holding a knife. Officer B provided Subject 1 with a clear directive to drop the knife and alerted Officer A to Subject 1's possession of the knife. Officer B drew his service pistol. An officer-involved shooting occurred after Subject 1 raised the knife and advanced on Officer B.

Officers C and D heard someone yell, "knife" and two to three gunshots. After hearing the gunshots, Officers C and D and Sergeant A repositioned themselves at the base of the stairs. It would have been safer for them to continue to focus their attention on the downstairs apartment as this was their designated area of responsibility until properly relieved.

Sergeant B broadcast a "help" call and advised CD that shots were fired. As Sergeant B reached the officers, he ordered them to hold their positions and wait for additional resources before attempting to secure Subject 1 and his apartment. This was a prudent decision, considering the totality of the circumstances.

Officers E, F, G and H responded to the "help call." Officers C and D covered the open door to Subject 1's apartment while Sergeant B and Officers A and E handcuffed Subject 1. Sergeant A provided supervisory oversight as this occurred.

The BOPC determined that Sergeant A and Officers C and D would benefit from additional tactical training regarding the identification and coverage of threats during tactical incidents.

Additionally, the specific circumstances of this incident provide an opportunity for the involved personnel to enhance their performance if confronted with a similar situation in the future. The BOPC directed that the involved officers receive a tactical debrief regarding the incident.

The BOPC found Sergeant A and Officer C and D's tactics to warrant divisional training.

The BOPC found Sergeant B and Officers A, B, E, F, G and H's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officers A and B were confronted with a subject who was armed with a knife, failed to comply with the officers' commands and advanced at Officer B. Fearing that the incident could escalate to the point where deadly force would become necessary, Officers A and B drew their service pistols.

After the officer-involved shooting occurred and fearing the incident could again escalate to the point where deadly force would become necessary, Sergeants A and B and Officers C, D and E drew their service pistols. Additionally, Officers F, G and H subsequently assisted with clearing Subject 1's apartment and drew their service pistols with the belief that the situation could escalate to the point where deadly force would be necessary.

The BOPC determined Sergeants A and B and Officers A, B, C, D, E, F, G and H had sufficient information to believe the situation might escalate to the point where deadly force may be necessary.

The BOPC found Sergeants A and B and Officers A, B, C, D, E, F, G and H's drawing to be in policy.

C. Use of Force

Officer B knocked on the door and identified himself as a police officer twice. Officer B observed the door open and saw Subject 1 holding a knife. Officer B, unable to access the stairs to exit the landing and in a confined space, moved back against the wall of the landing. Subject 1 moved toward Officer B with the knife. Officer B fired two rounds at Subject 1.

Subject 1 continued forward toward Officer B with the knife in his hand. Subject 1 then made physical contact with Officer B. Officer B pushed Subject 1 off him. Subject 1 then bent forward and turned toward Officer B. Believing Subject 1 was continuing his attack and attempting to cut him with the knife, Officer B fired one additional round at Subject 1.

The BOPC determined that Officer B reasonably believed Subject 1 presented an immediate threat of serious bodily injury or death.

The BOPC found Officer B's use of force to be in policy.